



Reprinted
February 3, 2016

HOUSE BILL No. 1263

DIGEST OF HB 1263 (Updated February 2, 2016 4:24 pm - DI 77)

Citations Affected: IC 25-1.

Synopsis: Prescriptions and telemedicine. Sets forth requirements that must be met before: (1) a physician; or (2) a physician assistant or an advanced practice nurse, granted prescriptive authority; may issue a prescription to a patient receiving telemedicine services. Provides that certain drugs may not be prescribed through the use of telemedicine.

Effective: July 1, 2016.

**Kirchhofer, Eberhart, Bacon,
Austin, Davisson**

January 11, 2016, read first time and referred to Committee on Public Health.
January 28, 2016, amended, reported — Do Pass.
February 2, 2016, read second time, amended, ordered engrossed.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1263

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]:

4 **Chapter 9.5. Telemedicine Services and Prescriptions**

5 **Sec. 1. (a) This chapter does not prohibit a provider, insurer, or**
6 **patient from agreeing to an alternative location of the patient or**
7 **provider to conduct telemedicine.**

8 **(b) This chapter does not supersede any other law concerning a**
9 **provider who provides health care to a patient.**

10 **Sec. 2. As used in this chapter, "provider" means any of the**
11 **following:**

12 **(1) A physician licensed under IC 25-22.5.**

13 **(2) A physician assistant licensed under IC 25-27.5 and**
14 **granted the authority to prescribe by the physician assistant's**
15 **supervisory physician in accordance with IC 25-27.5-5.4.**

16 **(3) An advanced practice nurse licensed and granted the**
17 **authority to prescribe drugs under IC 25-23.**

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1 **Sec. 3. (a) As used in this chapter, "telemedicine" means the**
 2 **delivery of health care services using electronic communications**
 3 **and information technology, including:**

- 4 (1) secure videoconferencing;
 5 (2) interactive audio-using store and forward technology; or
 6 (3) remote patient monitoring technology;
 7 between a provider in one (1) location and a patient in another
 8 location.

9 **(b) The term does not include the provision of vision services or**
 10 **the use of the following:**

- 11 (1) Audio-only communication.
 12 (2) A telephone call.
 13 (3) E-mail.
 14 (4) An instant messaging conversation.
 15 (5) Facsimile.

16 **Sec. 4. As used in this chapter, "store and forward" means the**
 17 **transmission of a patient's medical information from a site where**
 18 **the patient is located to the provider's location without the patient**
 19 **being present.**

20 **Sec. 5. (a) A provider who uses telemedicine shall provide the**
 21 **same services to the patient that the provider would provide to a**
 22 **patient who was not receiving telemedicine.**

23 **(b) A provider may not use telemedicine, including issuing a**
 24 **prescription, for a patient who is located in Indiana unless a**
 25 **provider-patient relationship between the provider and the patient**
 26 **has been established. The provider-patient relationship by a**
 27 **provider who uses telemedicine must include the following:**

- 28 (1) Obtain the patient's name and contact information.
 29 (2) Disclose the provider's name and disclose whether the
 30 provider is a physician, physician assistant, or advanced
 31 practice nurse.
 32 (3) Obtain informed consent from the patient.
 33 (4) Obtain the patient's medical history and other information
 34 necessary to establish a diagnosis.
 35 (5) Discuss with the patient the:
 36 (A) diagnosis;
 37 (B) evidence for the diagnosis; and
 38 (C) risks and benefits of various treatment options.
 39 (6) Create and maintain a medical record for the patient and,
 40 subject to the consent of the patient, notify the patient's
 41 primary care provider of any prescriptions the provider has
 42 written for the patient.



1 (7) Issue proper instructions for appropriate follow-up care.

2 (8) Provide a telemedicine visit summary to the patient,
3 including information that indicates any prescription that is
4 being prescribed.

5 Sec. 6. A provider may issue a prescription to a patient who is
6 receiving services through the use of telemedicine even if the
7 patient has not been seen previously by the provider in person if
8 the following conditions are met:

9 (1) The provider has satisfied the applicable standard of care
10 in the treatment of the patient.

11 (2) The issuance of the prescription by the provider is:

12 (A) within the provider's scope of practice and
13 certification; and

14 (B) in accordance with any applicable law or rule.

15 (3) The prescription is not for a controlled substance (as
16 defined in IC 35-48-1-9).

17 (4) The prescription is not for an abortion inducing drug (as
18 defined in IC 16-18-2-1.6).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "and" and insert "**or**".

Page 2, line 9, delete "(a)".

Page 2, line 15, delete "." and insert ", **including through the use of electronic communications or information technology.**".

Page 2, delete lines 26 through 27, begin a new line block indented and insert:

"(4) The prescription is not for an abortion inducing drug (as defined in IC 16-18-2-1.6)."

and when so amended that said bill do pass.

(Reference is to HB 1263 as introduced.)

KIRCHHOFFER

Committee Vote: yeas 8, nays 5.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1263 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. (a) This chapter does not prohibit a provider, insurer, or patient from agreeing to an alternative location of the patient or provider to conduct telemedicine.

(b) This chapter does not supersede any other law concerning a provider who provides health care to a patient.

Page 1, line 5, delete "1." and insert "2."

Page 1, line 5, delete ""prescriber"" and insert ""**provider**"".

Page 1, line 13, delete "2." and insert "3."

Page 1, line 16, delete "or".

Page 1, line 17, after "technology;" insert "**or**".

Page 1, after line 17, begin a new line block indented and insert:

"(3) remote patient monitoring technology;"

Page 2, line 1, delete "health care".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "store and forward" means the

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transmission of a patient's medical information from a site where the patient is located to the provider's location without the patient being present.

Sec. 5. (a) A provider who uses telemedicine shall provide the same services to the patient that the provider would provide to a patient who was not receiving telemedicine.

(b) A provider may not use telemedicine, including issuing a prescription, for a patient who is located in Indiana unless a provider-patient relationship between the provider and the patient has been established. The provider-patient relationship by a provider who uses telemedicine must include the following:

- (1) Obtain the patient's name and contact information.
- (2) Disclose the provider's name and disclose whether the provider is a physician, physician assistant, or advanced practice nurse.
- (3) Obtain informed consent from the patient.
- (4) Obtain the patient's medical history and other information necessary to establish a diagnosis.
- (5) Discuss with the patient the:
 - (A) diagnosis;
 - (B) evidence for the diagnosis; and
 - (C) risks and benefits of various treatment options.
- (6) Create and maintain a medical record for the patient and, subject to the consent of the patient, notify the patient's primary care provider of any prescriptions the provider has written for the patient.
- (7) Issue proper instructions for appropriate follow-up care.
- (8) Provide a telemedicine visit summary to the patient, including information that indicates any prescription that is being prescribed."

Page 2, line 9, delete "3." and insert "6."

Page 2, line 9, delete "prescriber" and insert "**provider**".

Page 2, line 11, delete "prescriber" and insert "**provider**".

Page 2, line 13, delete "prescriber has done the following:" and insert "**provider has satisfied the applicable standard of care in the treatment of the patient.**".

Page 2, delete lines 14 through 20.

Page 2, line 22, delete "prescriber's" and insert "**provider's**".

(Reference is to HB 1263 as printed January 29, 2016.)

KIRCHHOFFER



HOUSE MOTION

Mr. Speaker: I move that House Bill 1263 be amended to read as follows:

Page 2, line 3, after "include" insert "**the provision of vision services or the**".

(Reference is to HB 1263 as printed January 29, 2016.)

DELANEY

